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10 Attorneys for Defendant
11 NETFLIX, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 BROADCOM CORPORATION, et al.,

15 Plaintiffs,

16 v.

17 NETFLIX, INC.,

18 Defendant.

Case No. 3:20-cv-04677-JD

NOTICE OF INSTITUTION OF *INTER PARTES* REVIEW ON THE '992 AND '722 PATENTS

Judge: Honorable James Donato

Trial Date: None Set

1 TO THE COURT AND ALL PARTIES AND COUNSEL OF RECORD:

2 Pursuant to the Court's June 3, 2021 Order, (Dkt. No. 123), Netflix hereby gives notice
3 that the Patent Trial and Appeal Board (the "Board") has instituted *inter partes* review ("IPR") of
4 twenty-eight (28) claims of two additional asserted patents, placing under IPR all sixteen (16) of
5 the asserted claims of those two patents.
6

7 First, the Board instituted IPR of claims 1–14 and 16–19 of U.S. Patent No. 8,270,992
8 (the "'992 patent"). Attached hereto as **Exhibit A** is a true and correct copy of the Board's June
9 21, 2021 Decision Granting Institution of *Inter Partes* Review of U.S. Patent No. 8,270,992 B2 in
10 IPR2021-00303. All eight claims of the '992 patent currently asserted by Broadcom (Claims 1, 2,
11 3, 5, 6, 7, 8, 10) are now under IPR.
12

13 Second, the Board has also instituted IPR of claims 4, 6–8, 12, 14–16, 20, and 22 of U.S.
14 Patent No. 7,457,722 (the "'722 patent"). Attached hereto as **Exhibit B** is a true and correct copy
15 of the Board's June 25, 2021 Decision Granting Institution of *Inter Partes* Review of U.S. Patent
16 No. 7,457,722 B1 in IPR2021-00431. In conjunction with the previous institution decision on the
17 '722 patent in IPR2021-00045, (*see* Dkt. No. 109-1, ¶ 11 & Ex. I), all eight claims of the '722
18 patent currently asserted by Broadcom (Claims 1, 2, 4, 6, 8, 11, 14, 15) are now under IPR.
19

20 With these institution decisions, the Board has now instituted IPR on 30 of 81 (37%) of
21 the asserted claims in this litigation. Should the Court grant Netflix's motion to dismiss under 35
22 U.S.C. § 101, particularly as to the '079 and '245 patents, eleven (11) claims will no longer be
23 asserted, and 30 of the 70 (42.9%) remaining asserted claims will be under IPR.

24 Institution decisions remain pending as to particular claims of U.S. Patent Nos. 6,982,663
25 and 8,572,138.

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Respectfully submitted,

Dated: July 9, 2021

KEKER, VAN NEST & PETERS LLP

By: /s/ Sharif E. Jacob

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